

The Honorable Ricardo Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,

No. CV4-2338-RSM

Plaintiffs,

v.

**DECLARATION OF MARCUS B.
NASH IN SUPPORT OF
DEFENDANTS' MOTION FOR
DISMISSAL OF PUNITIVE
DAMAGES CLAIMS UNDER
CR 12(b)(6)**

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a
"MORMON CHURCH"; LDS SOCIAL
SERVICES a/k/a LDS FAMILY SERVICES,
a Utah corporation,

Noted for: January 7, 2005

Defendants.

I, Marcus B. Nash declare as follows:

1. I am one of the attorneys for the defendants Corporation of the President of Church of Jesus Christ of Latter-Day Saints and LDS Family Services.

2. Attached hereto at pages 4 through 17 is a true and correct copy of plaintiffs' Complaint filed October 25, 2004 in King County Superior Court, Cause No. 04-2-33910-3KNT.

3. Attached hereto at pages 18 through 20 is a true and correct copy of the Order on Defendant COP's Motion to Dismiss Plaintiffs' Punitive Damages Claims

DECLARATION OF MARCUS B. NASH IN SUPPORT OF
DEFENDANTS' MOTION FOR DISMISSAL OF
PUNITIVE DAMAGES CLAIMS UNDER CR 12(b)(6) – 1
No. CV4 2338 RSM

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PROFESSIONAL CORPORATION

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Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

1 Under CR 12(b) entered in Jane Doe, et al. v. The Corporation of The President of The
2 Church of Jesus Christ of Latter-day Saints, et al., King County Superior Court Cause
3 No. 02-2-04105-1KNT.

4 4. Attached hereto at pages 21 through 23 is a true and correct copy of the
5 Order Granting Partial Summary Judgment Clarifying Choice of Law Issues file entered
6 in Jane Doe, et al. v. The Corporation of The President of The Church of Jesus Christ
7 of Latter-day Saints, et al., King County Superior Court No. 02-2-04105-1KNT.

8 5. Attached hereto at pages 24 through 32 is a true and correct copy of the
9 Complaint filed in Jane Doe, et al. v. The Corporation of The President of The Church
10 of Jesus Christ of Latter-day Saints, et al., King County Superior Court No. 02-2-04105-
11 1KNT.

12 I declare under the laws of the State of Washington and of the United
13 States that the foregoing is true and correct.

14 Executed this 16th day of December, 2004, at Seattle, Washington.

15 /s/ Marcus B. Nash via ECF
16 Marcus B. Nash

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DECLARATION OF MARCUS B. NASH IN SUPPORT OF
DEFENDANTS' MOTION FOR DISMISSAL OF
PUNITIVE DAMAGES CLAIMS UNDER CR 12(B)(6) – 2
No. CV4 2338 RSM

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CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed ***Declaration of Marcus B. Nash in Support of Defendant LDS and LDSFC's Motion to Dismiss Punitive Damage Claims Under CR 12(b)(6)*** using the CM/ECF system which will send notification of such filing to the persons listed below. The persons listed below also received a true and correct copy of the above-referenced document via hand delivery by legal messenger.

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Attorneys for Plaintiffs

DATED this 16th day of December, 2004, at Seattle, Washington.

/s/ Mary Ann Jarrett
Mary Ann Jarrett